

**ASSEMBLY BILL**

**No. 313**

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**Introduced by Assembly Member Monning**

February 9, 2011

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An act to add Section 1569.336 to the Health and Safety Code, relating to residential care facilities for the elderly.

LEGISLATIVE COUNSEL'S DIGEST

AB 313, as introduced, Monning. Residential care facilities for the elderly.

Existing law, the California Residential Care Facilities for the Elderly Act, provides for the licensure of residential care facilities for the elderly by the State Department of Social Services. A violation of the act is a misdemeanor.

Existing law requires the department to notify affected placement agencies and the Office of the State Long-Term Care Ombudsman, as defined, whenever the department substantiates that a violation has occurred which poses a serious threat to the health and safety of any resident when the violation results in the assessment of any penalty or causes an accusation to be filed for the revocation of a license.

This bill would require a licensed residential care facility for the elderly to provide a written notice to a resident, emergency contact person, and the office under specified conditions. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1569.336 is added to the Health and  
2     Safety Code, to read:  
3     1569.336. (a) A licensed residential care facility for the elderly  
4     shall provide written notice to a resident and any person designated  
5     as an authorized emergency contact for the resident, as well as the  
6     Office of the State Long-Term Care Ombudsman, as defined in  
7     subdivision (c) of Section 9701 of the Welfare and Institutions  
8     Code, within 10 days from when the department substantiates that  
9     a violation has occurred which poses a serious threat to the health,  
10    including mental health, and safety of any resident, as defined in  
11    regulations adopted pursuant to Section 1569.31, when the violation  
12    results in the commencement of proceedings to suspend or revoke  
13    the license of the facility pursuant to Section 1569.50, or when a  
14    civil or criminal action is brought against the licensed residential  
15    care facility.  
16    (b) The notice provided to a resident and emergency contact  
17    person shall include the contact information for the local  
18    Long-Term Care Ombudsman and for the Community Care  
19    Licensing Division of the department with a statement that directs  
20    the resident or emergency contact to contact either the ombudsman  
21    or division for information on the license status of the facility.  
22    (c) Upon providing the notice described in subdivision (a), the  
23    licensed residential care facility shall also post a written notice, in  
24    at least 14-point type, on or immediately adjacent to the interior  
25    side of the main door into the facility that includes all of the  
26    following information:  
27    (1) The date of the notice.  
28    (2) The name of the residential care facility for the elderly.  
29    (3) A statement that copies of all licensing reports by the  
30    department within the preceding 12 months, including the report  
31    from the most recent annual inspection visit of the department,  
32    may be obtained at the facility.  
33    (4) The name and telephone number of the contact person  
34    designated by the department to provide information about the site  
35    visit report.

1 (d) The notice described in subdivision (c) shall remain posted  
2 for 30 consecutive days or until the deficiencies that gave rise to  
3 the notice are resolved, whichever is later.

4 (e) A civil penalty levied for a violation of this section pursuant  
5 to Section 1569.49 shall be in addition to any civil penalty levied  
6 for the underlying violation that gives rise to the notice  
7 requirements of this section.

8 SEC. 2. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section 17556 of  
14 the Government Code, or changes the definition of a crime within  
15 the meaning of Section 6 of Article XIII B of the California  
16 Constitution.